



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

January 14, 1994

Mr. Stephen M. Samuels
Samuels and Northrop Co., LPA
Attorneys at Law
Suite 816
180 East Broad Street
Columbus, Ohio 43215

Re: Marion Steel Company, Marion, Ohio
Docket No. TSCA-V-C-87-93.

Dear Mr. Samuels:

This past week I have painstakingly reviewed your client's original PCB records which are the subject of Counts I, II, III, and IV of the Complaint in this civil administrative action. In addition, I have reviewed your client's revised PCB records, TSCA PCB Annual Documents, revised April 21, 1992, and TSCA PCB Annual Documents, revised December 1, 1992. Based upon my review of these documents, I concur with the findings of Charlotte E. Hammar, Ohio EPA-DERR, Chemical Emergency Prevention Unit-PCB, pursuant to her inspection of Marion Steel Company, 912 Cheney Avenue, Marion, Ohio, on November 30, 1992, and December 1, 1992.

As a preliminary matter, I would like to state for the record that the very objective of Annual Documents is to document the life of all PCB items from cradle to grave. Obviously, if Annual Documents are incomplete, unclear, or confusing, the very objective of the Annual Documents is destroyed.

On November 30, 1992, and December 1, 1992, your client had only minimal PCB records, and had failed to develop and maintain complete TSCA PCB Annual Documents, in violation of 40 C.F.R. § 761.180, and Section 15 of TSCA, 15 U.S.C. § 2614. Specifically, your client's PCB records:

- 1). Failed to identify and document its address;
- 2). Failed to identify and document its U.S. EPA I.D. Number;
- 3). Failed to identify and document the calendar year its record covered;
- 4). Failed to identify and document its PCB Transformer #6 as a PCB transformer;



Printed on Recycled Paper

- 5). Failed to identify and document its quarterly inspections of PCB Transformer #6;
- 6). Failed to identify and document its unique PCB manifest numbers;
- 7). Failed to identify and document its PCB capacitors;
- 8). Failed to identify and document its kilograms of PCBs;
- 9). Failed to identify and document its unique I.D. Numbers for its PCB containers;
- 10). Failed to identify and document its disposal of its PCB containers;
- 11). Failed to identify and document the total weight, in kilograms, of its PCB articles remaining in service at the end of each calendar year;
- 12). Failed to identify and document the total weight, in kilograms, of its PCB transformers remaining in service at the end of each calendar year; and,
- 13). Failed to identify and document the total number of its PCB capacitors remaining in service at the end of the calendar year.

Your client's violations of 40 C.F.R. § 761.180, and Section 15 of TSCA, 15 U.S.C. § 2614, are serious, and compromise, and perhaps preclude, your client's ability and our ability, to track your client's PCBs from their lawful use to their lawful disposal. Therefore, Counts I, II, III, and IV, of the Complaint cite your client's violations, notwithstanding your client's subsequent attempts to revise its PCB records into Annual Documents.

As an Assistant Regional Counsel for U.S. EPA I cannot act as your consultant, review your client's Annual Documents, revised December 1, 1992, and state whether they are in fact complete and accurate. Only your client and its consultants can make that determination. I am willing to state at this time, that based upon my limited review of those Annual Documents, your Annual Documents, revised December 1, 1992, "appear" to be complete and accurate. However, for some reason, your client has chosen to deviate from the suggested format prescribed for Annual Documents. The suggested format for Annual Documents is prescribed because it is simple, logical, and easy to follow and understand, for both the facility and our office. As a result, it often inherently precludes omissions, mistakes, and misunderstandings. It is my concern that your chosen format is

not as simple, logical, and easy to follow and understand, and that it will lead, inherently, to omissions, mistakes, and misunderstandings. However, our suggested format is only a suggestion, not a requirement. The choice is yours.

After reviewing your client's documentation, I am quite comfortable with all of the Counts in our Complaint. However, as I discussed with you on Wednesday, January 5, 1994, in our settlement conference, it is my hope that we can resolve this civil administrative action quickly and amicably. Please let me know at your earliest convenience how you and your client would like to proceed in this action. If you have any questions, please contact me at telephone number (312) 886-6729.

Sincerely,



Jeffery M. Trevino
Assistant Regional Counsel

cc: John Love
PCB Control Section